

Dear Quin,

12/6/78

There is a 2-page memo after the long one it may help you to read first.

I've read the Weinstein piece. He makes his case well - to the uninformed and uncritical.

My disagreement includes over calling the FBI bumlbers. It is not, any more than any one of us can bumble and any more than a certain amount of this is built into any bureaucracy, more into an authoritarian one, which is the FBI is and was.

Superficially what I address in the two-page memo may appear to be bumbling. I believe it is not. For example, if an agent without subject-matter knowledge was assigned, he would not be a bumbler. He would be a boiler-plater.

Lawyers, by training and experience, tend to be prosecutors or defenders. The prosecutor has someone to convict, the defense counsel someone to protect. It is not necessary to solve a crime to establish innocence beyond reasonable doubt. In even exceptional cases the prosecutor does no more than prosecute and few care about any more. While Weinstein is neither, he also is not an analyst. What the Hiss, like most other similar political cases, never had was thorough and competent analysis by one in a position to be followed by an effort to establish the accuracy of the analysis.

Weinstein confuses bumbling for Hoover's political objectives and the other problems the FBI had with that case and situation. By Weinstein's concepts I would be immersed in FBI bumbling. Not so. It knew exactly what it was doing and does.

If you have time reread Weinstein's Times piece critically. You will find that you can attribute what appears to be careful, scholarly phrasing to what you have seen in the FBI, covering his ass. At every critical point he covers himself against future rebuttal. If I were a shrink I'd say he has at least subconscious awareness and despite the apparent positiveness of his writing has doubts.

As an analyst I'd say he fudges on the typewriter and over-writes his case by avoiding the central fact - when was the Woodstock manufactured, when purchased new. This would make his case airtight. It is totally absent.

As an analyst I've seen his kind of strawmen raised often enough, usually as he does, in generalities that avoid the ~~xxx~~ essence. This is where he pretends to quote so-called Hiss defenders. While this, too, may seem to be a normal and proper approach I do not regard it this way. It is an argument, an attempt to put down. It is unfactual and it is evasive. It is the identical method the House assassins have been using, also effectively.

I am not and don't pretend to be a subject-expert on the Hiss case. I am somewhat of an expert in cases of this nature after the fact and on the FBI and how it works. It can work remarkably well and I've examined some of its really excellent and diligent work. I am without doubt that the FBI traced the actual typewriter back to the manufacturer and obtained the full story on the serial number. I am not as certain that it traced the purchase. I can see that it might have avoided this, perhaps did on purpose, not from bumbling. Once the claim that the typewriter was fabricated was made the dates of manufacture and purchase became essential if anyone really cared about truth. This might not establish truth but it could establish falsity. If by date of purchase the serial number of manufacture doesn't fit then there is something seriously wrong. So why doesn't Weinstein give us this information?

Missing in Weinstein's lineup of strawmen is a simple question: could it have been someone else? I believe there was and that beginning with what Weinstein says in this piece could be found by a competent investigator who is and begins as a competent analyst. If I were doing it I would begin with some of what Weinstein presents and then ignores not from dishonesty but because he got lost in the forest of excess information.